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US PATENT & TRADEMARK OFFICE			Maner No.
CERTIFICATE OF FACSIMILE TRANSMISSION 37 CFR 1.8			414634
Applicant(s): Larry M. Proctor			
Serial No.	Filing Date	Examiner	Group Art Unit
09/773,303	January 31, 2001	Elizabeth F. McElwain	1638
Invention Field Bean Cultivar Named Enola			
I hereby certify that the following: Certificate of Facsimile Cover Sheet (1 page); Transmittal Form (1 page); Request for Refund Improper Charge of Deposit Account (2 pages), and Copy of Monthly Statements of Deposit Account (1 page), are being sent via facsimile transmission to (571)273-6500, c/o the Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 5th day of March, 2006.			
Melissa Smith Name of Transmitter			
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LATHROP & GAGE

NO. 3191 P. 2

PTO/SB/21 (09-04)

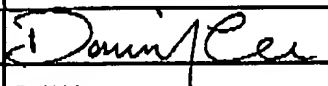
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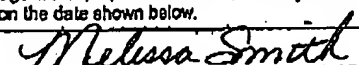
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<b>TRANSMITTAL FORM</b>  <small>(to be used for all correspondence after initial filing)</small>	Application Number	09/773,303
	Filing Date	January 31, 2001
	First Named Inventor	Larry M. Proctor
	Art Unit	1638
	Examiner Name	Elizabeth F. McElwain
Total Number of Pages in This Submission	Attorney Docket Number	414634

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/Declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input checked="" type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below): Certificate of Facsimile Request for Refund (Improper Charge of Deposit Account) Copy of Monthly Statement of Deposit Account
<b>Remarks</b>  		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm	Lathrop & Gage		
Signature			
Printed Name	David J. Lee		
Date	April 5, 2006	Reg. No.	41,835

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Signature			
Typed or printed name	Melissa Smith	Date	April 5, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.12. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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NO. 3191 P. 3

PATENT  
Attorney Docket No. 414634  
Sent Via Facsimile

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s)	Larry M. Proctor	Examiner	Elizabeth F. McElwain
Serial No.	09/773,303	Group Art No.	1638
Filed	January 31, 2001	Confirmation No.	1900
For	Field Bean Cultivar Named Enola		

April 5, 2006

Mail Stop 16  
Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

REQUEST FOR REFUND  
IMPROPER CHARGE OF DEPOSIT ACCOUNT

Dear Sir:

## I. REFUND REQUEST

This is a request for a refund in the amount of \$400.00, with respect to the charges to Deposit Account 12-0600, shown on the statement dated October 24, 2005, for the above-identified patent application.

## II. FEES CHARGED FOR WHICH REFUND IS REQUESTED

\$100.00 for claims in excess of twenty.

\$300.00 for independent claims in excess of three.

## III. EXPLANATION OF WHY CONTESTED CHARGE IS IN ERROR

The charge of \$275.00, posted October 24, 2005, appears to be excessive by \$100.00.

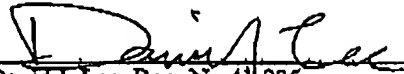
The charge of \$500.00, posted October 24, 2005, appears to be excessive by \$300.00.

## IV. MANNER OF REFUND

Please make refund of \$400.00 crediting Account No. 12-0600.

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Respectfully submitted,



David J. Lee, Reg. No. 41,935

LATHROP & GAGE LC

4845 Pearl East Circle

Suite 300

Boulder, CO 80301

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Facsimile: (720) 931-3001



## UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
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MONTHLY STATEMENT  
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LATHROP & GAGE L.C.  
WILLIAM A. RUDY  
2345 GRAND BOULEVARD  
KANSAS CITY MO 64108

FINA

Account No.	120600
Date	10-31-05
Page	4

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P.O. Box 70541  
Chicago, IL 60673

DATE POSTED	CONTROL NO.	DESCRIPTION (Serial, Patent, TM, Order)	DOCKET NO.	FEE CODE	CHARGES/ CREDITS	BALANCE
10 18 05	264	PCT/US05/35231	441592	1704	2075.00	57265.75
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AN AMOUNT SUFFICIENT TO COVER ALL SERVICES REQUESTED MUST ALWAYS BE ON DEPOSIT		OPENING BALANCE	TOTAL CHARGES	TOTAL CREDITS	CLOSING BALANCE	

450206 (4/2004)

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10/24/2005 ZADAMS 00000002 120600 09773303

01 FC:2202	275.00 DA
02 FC:2201	500.00 DA

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Adjustment date: 05/01/2006 SDIRETA1  
10/24/2005 ZADAMS 00000002 120600 09773303  
01 FC:2202 275.00 CR  
02 FC:2201 500.00 CR

05/01/2006 SDIRETA1 00000004 120600 09773303

01 FC:2202	175.00 DA
02 FC:2201	200.00 DA